

Conservation Easement

A conservation easement is the most popular, permanent way you can protect natural land while continuing to own it. The land is still yours to sell or pass on to your heirs, but you set aside certain rights. You determine that no future owner will do specific things on the property that would harm its natural features.

For example, you can set aside the development rights to ensure your land is always used for wildlife habitat or farming. Conservation easements can be used to restrict mining, building, timber harvesting, tiling, or any combination of land uses.

The limitations set forth in the conservation easement are tailored to suit your unique property as well as your personal natural resource management goals as a landowner.

When you write a conservation easement, you choose a conservation organization or agency that will ensure the easement terms are respected in the future. That conservation partner shares your goals for the land and accepts the responsibility to monitor the land use regularly and enforce your restrictions if necessary.

The protection afforded by conservation easements is permanent; it legally binds all present and future owners of the land. Easements are recorded with the county recorder and are permanently attached to the title of the land thereafter.

Some people choose to place a conservation easement on land before it is transferred by sale, gift, inheritance or bequest. Even if the new owner is a good land steward, the easement adds a layer of protection for the land.

Capt Lewis and myself walked in the Prairie on top of the Bluff and observed the most beautiful prospects imaginable. William Clark, July 30, 1804



Because a conservation easement can reduce the property's value, the landowner who donates an easement may claim the difference in value as a charitable deduction for income tax purposes. An easement may lower estate taxes and inheritance taxes too. As stated previously, it is important to consult your own attorney and tax advisor for advice on this particular subject.

The Northern Prairies Land Trust staff can help you draft the document. Northern Prairies may be able to hold the easement or arrange for another conservation partner to do so.